Permit No.: SD-0021628

Effective Date: Date of Issuance*

Expiration Date: November 30, 1990

AUTHORIZATION TO DISCHARGE UNDER THE

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, as amended (33 U.S.C. 1251 et. seq.) (hereinafter referred to as "the Act"),

the City of Belle Fourche, South Dakota,

is authorized by the United States Environmental Protection Agency,

to discharge from the City's waste water treatment system,

to an unnamed drainageway, which flows into Crow Creek,

in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts I, II, and III, hereof.

Max H. Dodson

Authorized Permitting Official

JAN 6 1986

Date

Max H. Dodson
Director
Water Management Division
Title

*Thirty (30) days after the date of receipt of this permit by the Applicant.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS - SEE ANY ADDITIONAL REQUIREMENTS UNDER PART III

1. Effluent Limitations

Effective immediately, the quality of effluent discharged by the facility shall, as a minimum, meet the limitations as set forth below:

No discharge shall occur from the subject facility unless and until permission for such discharge is granted by the South Dakota Department of Water and Natural Resources. In the event such permission is granted by the Department, the permittee shall comply with the effluent limitations specified below:

There shall be no discharge when ice cover exists on Crow Creek anywhere between the point where the discharge enters Crow Creek and the confluence of Crow Creek with the Belle Fourche Reservoir Inlet Canal.

There shall be no discharge when the wasteway located on the Belle Fourche Reservoir Inlet Canal, just downstream of Crow Creek, is diverting water from the canal to the Belle Fourche River unless specific approval is granted by the South Dakota Department of Water and Natural Resources.

	Effluent Concentration	
Constituent	30-Consecutive Day Period	7-Consecutive Day Period
BOD_5, mg/L	30 a/	45 b/
Total Suspended Solids, mg/L	110 a/	165 b/
Total Residual Chlorine, mg/L		Less than 0.05 c/
pH, units	Shall remain between 6.0 and 9.5. c/	

a/ This limitation shall be determined by the arithmetic mean of a minimum of three (3) consecutive samples taken on separate weeks in a 30-day period (minimum total of three (3) samples).

b/ This limitation shall be determined by the arithmetic mean of a minimum of three (3) consecutive samples taken on separate days in a 7-day period (minimum total of three (3) samples).

c/ Any single analysis and/or measurement beyond this limitation shall be considered a violation of the conditions of this permit.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (Continued)

2. Effluent Limitations

Effective as soon as reasonable and practical but no later than July 1, 1988, the quality of effluent discharged by the facility shall, as a minimum, meet the limitations as set forth below:

No discharge shall occur from the subject facility unless and until permission for such discharge is granted by the South Dakota Department of Water and Natural Resources. In the event such permission is granted by the Department, the permittee shall comply with the effluent limitations specified below and the additional requirements specified in Part I, A.3.

Effluent Concentration

Constituent	30-Consecutive Day Period	7-Consecutive Day Period
BOD_5, mg/L	30 a/	45 b/
Total Suspended Solids, mg/L	110 a/	165 b/
Fecal Coliform, no./100 mL (May 1 - September 30)	1,000 c/	
Total Residual Chlorine, mg/L		Less than 0.05 d/
Ammonia-Nitrogen - See Part I, A.3.c. on the next page.		
pH, units		Shall remain between 6.5 and 8.5 d/

a/ This limitation shall be determined by the arithmetic mean of a minimum of three (3) consecutive samples taken on separate weeks in a 30-day period (minimum total of three (3) samples); not applicable to Fecal Coliforms - see footnote c/.

b/ This limitation shall be determined by the arithmetic mean of a minimum of three (3) consecutive samples taken on separate days in a 7-day period (minimum total of three (3) samples); not applicable to Fecal Coliforms - see footnote c/.

c/ Fecal Coliform values shall not exceed a geometric mean of 1,000 organisms per 100 mL in any five (5) consecutive grab samples taken on separate days in a 30-day period nor shall any sample exceed 2,000 organisms per 100 mL. Fecal Coliform limitations apply May 1 through September 30.

d/ Any single analysis and/or measurement beyond this limitation shall be considered a violation of the conditions of this permit.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (Continued)

3. Discharge Rate - Effective as soon as reasonable and practical, but no later than July 1, 1988.

In all of the criteria listed below, the applicable criterion which will result in the lowest rate of discharge shall prevail. Any discharge which does not meet the more stringent of the applicable minimum flow requirements will be considered a violation of this permit, regardless of the effluent quality.

a. There shall be no discharge when ice cover exists on Crow Creek anywhere between the point where the discharge enters Crow Creek and the confluence of Crow Creek with the Belle Fourche Reservoir Inlet Canal.

b. There shall be no discharge when the wasteway located on the Belle Fourche Reservoir Inlet Canal, just downstream of Crow Creek, is diverting water from the canal to the Belle Fourche River unless specific approval is granted by the South Dakota Department of Water and Natural Resources.

c. The following relationship must be maintained during periods when discharges are allowed.

(1) From November 1 through March 31:

Average Rate a/

$$Q_A = \frac{1.30\ (Q_S)}{N-1.35}$$

Daily Maximum b/

$$Q_M = \frac{2.28\ (Q_S)}{N-1.35}$$

If N is equal to or less than 1.35 mg/L, the above equations do not apply and there are no limitations on the rate of discharge.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (Continued)

3. Discharge Rate (Continued)

(2) During the months of April and October:

Average Rate a/

$$Q_A = \frac{0.60\ (Qs)}{N-0.65}$$

Daily Maximum b/

$$Q_M = \frac{1.05\ (Qs)}{N-0.65}$$

If N is equal to or less than 0.65 mg/L, the above equations do not apply and there are no limitations on the rate of discharge.

(3) During the months of May and September:

Average Rate a/

$$Q_A = \frac{0.41\ (Qs)}{N-0.46}$$

Daily Maximum b/

$$Q = \frac{0.72\ (Qs)}{N-0.46}$$

If N is equal to or less than 0.46 mg/L, the above equations do not apply and there are no limitations on the rate of discharge.

(4) From June 1 through August 31:

Average Rate a/

$$Q_A = \frac{0.29\ (Qs)}{N-0.34}$$

Daily Maximum b/

$$Q_M = \frac{0.51\ (Qs)}{N-0.34}$$

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (Continued)

3. Discharge Rate (Continued)

If N is equal to or less than 0.34 mg/L, the above equations do not apply and there are no limitations on the rate of discharge.

Where Q_A = Average rate of discharge from the lagoon system not to be exceeded as 30-day average nor 7-day average. Unit: cfs - see footnote a/.

Q_M = Maximum allowable rate of discharge from the lagoon system at any time. Units: cfs.

Q_S = Flow of Crow Creek upstream of where the discharge enters Crow Creek. The flow values are to be based on a permanent, calibrated flow monitoring device or gaging station installed in Crow Creek, one-half (1/2) mile or less, upstream from the point where the discharge enters Crow Creek. If flow values are not available, use 1.0 cfs for Q_S. If the actual flow of Crow Creek is less than 1.0 cfs, use 1.0 cfs for Q_S. Units: cfs

N = The effluent concentration of ammonia-nitrogen. Units: mg/L

a/ Compliance with the limitation on the average rate discharged from the lagoon system may be determined by a 30-day or a 7-day average. Compliance with the 7-day average limitation is to be determined by a minimum of three (3) flow measurements and ammonia-nitrogen samples collected during separate days within a 7-day period. Compliance with the 30-day average limitations is to be determined by a minimum of three (3) flow measurements and ammonia-nitrogen samples collected during separate weeks within a 30-day period. The ammonia-nitrogen samples are to be collected at the same time the flow measurements are taken. If the sum of the actual measured rates of discharge minus the sum of the calculated allowable rates of discharge for all of the samples collected during the 7-day period (or 30-day period) is greater than zero, the limitation on the average rate of discharge was exceeded.

b/ Compliance with the daily maximum limitation on the rate of discharge is to be based on a flow measurement and an ammonia-nitrogen sample collected at the time the flow measurement was taken. If the actual rate of discharge is greater than the calculated maximum allowable rate of discharge, then the daily maximum limitation on the rate of discharge was exceeded.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (Continued)

4. Self-Monitoring Requirements - Effective until the effluent limitations in Part I, A 2. and 3. become effective, but not beyond July 1, 1988.

a. Applicable when the permittee is requesting permission to discharge.

Prior to the start of any discharge from the lagoon system, the permittee shall collect a grab sample from each lagoon cell from which it is desired to discharge the water (via Cell No. 3) and have the sample analyzed for the following constituents:

BOD_5, mg/L
Total Suspended Solids, mg/L
pH, su

The results of the analyses, along with a request to discharge, shall be submitted to the South Dakota Department of Water and Natural Resources. The request to discharge shall contain a statement about whether or not water is being diverted from the Belle Fourche Reservoir Inlet Canal at the wasteway located just downstream from Crow Creek and whether or not it is expected that water will be diverted at the wasteway when the requested discharge would occur. The expected status of wasteway shall be determined by asking the Belle Fourche Irrigation District. If it is expected that water will be diverted at the wasteway when the requested discharge would occur, then the flows at the gaging station on the canal 0.5 mile downstream from Crow Creek and at the gaging station on the Belle Fourche River near Fruitdale shall also be reported with the request to discharge. No discharge shall occur until permission has been granted by the South Dakota Department of Water and Natural Resources.

b. Applicable when a discharge is occurring.

During periods of discharge, the permittee shall, as a minimum, monitor the discharge for the constituents listed below at the frequencies and with the types of samples indicated. The samples and measurements shall be representative of the volume and nature of the monitored discharge.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (Continued)

4. Self-Monitoring Requirements (Continued)

Constituent	Frequency	Sample Type
Flow, cfs	Daily	Instantaneous
BOD_5, mg/L	a/	Grab
Total Suspended Solids, mg/L	a/	Grab
pH, su	Weekly b/	Grab
Fecal Coliforms, no./100 mL	c/	Grab
Ammonia-Nitrogen, mg/L	c/	Grab
Total Residual Chlorine, mg/L (Monitoring not required if do not chlorinate)	Daily	Grab
Duration of Discharge	d/	d/
Total Volume Discharged, A-Ft	d/	d/

a/ The discharge shall be monitored a minimum of three (3) times for this constituent unless the discharge lasts two (2) days or less, then samples shall be collected daily. If the discharge is expected to last two (2) weeks or less, the first three (3) samples shall be collected on separate days during the first week of the discharge and then samples shall be collected at least once a week for the duration of the discharge. If the discharge is expected to last more than two (2) weeks, at least one sample shall be collected each week, with a minimum of three (3) samples being collected and analyzed. The permittee is responsible for anticipating the duration of the discharge and collecting the minimum number of samples as specified above.

b/ The discharge is to be monitored for pH on the first day of the discharge and at least weekly thereafter.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (Continued)

4. Self-Monitoring Requirements (Continued)

c/ Monitoring of the discharge for Ammonia and Fecal Coliforms is only required on the first day of the discharge.

d/ The date and time of the start and termination of each discharge shall be reported. In addition, the approximate volume discharged (in acre-feet) during each reporting period and during the entire discharge, shall be reported. This shall be done for each discharge that occurs. If no discharge occurs during the reporting period, "no discharge" shall be reported.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (Continued)

5. Self-Monitoring Requirements - Effective when the effluent limitations in Part I, A 2. and 3. become effective, but not beyond July 1, 1988.

a. Applicable when the permittee is requesting permission to discharge.

Prior to the start of any discharge from the lagoon system, the permittee shall collect a grab sample from each lagoon cell from which it is desired to discharge the water (via Cell No. 3) and have the sample analyzed for the following constituents:

BOD_5, mg/L
Total Suspended Solids, mg/L
pH, su
Fecal Coliforms, no./100 mL a/
Ammonia-Nitrogen, mg/L

The results of the analyses, along with a request to discharge, shall be submitted to the South Dakota Department of Water and Natural Resources. The request to discharge shall contain a statement about whether or not water is being diverted from the Belle Fourche Reservoir Inlet Canal at the wasteway located just downstream from Crow Creek and whether or not it is expected that water will be diverted at the wasteway when the requested discharge would occur. The expected status of wasteway shall be determined by asking the Belle Fourche Irrigation District. If it is expected that water will be diverted at the wasteway when the requested discharge would occur, then the flows at the gaging station on the canal 0.5 mile downstream from Crow Creek and at the gaging station on the Belle Fourche River near Fruitdale shall also be reported with the request to discharge. No discharge shall occur until permission has been granted by the South Dakota Department of Water and Natural Resources.

b. Applicable when a discharge is occurring

During periods of discharge, the permittee shall, as a minimum, monitor the discharge for the constituents listed below at the frequencies and with the types of samples indicated. The samples and measurements shall be representative of the volume and nature of the monitored discharge.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (Continued)

5. Self-Monitoring Requirements (Continued)

Constituent	Frequency	Sample Type
Flow, cfs	Daily	Instantaneous
BOD_5, mg/L	b/	Grab
Total Suspended Solids, mg/L	b/	Grab
pH, su	Daily	Grab
Fecal Coliforms, no./100 mL	c/	Grab
Ammonia-Nitrogen, mg/L e/	Weekly d/	Grab
Total Residual Chlorine, mg/L (Monitoring not required if do not chlorinate)	Daily	Grab
Duration of Discharge	f/	f/
Total Volume Discharged, A-Ft.	f/	f/

a/ Monitoring for Fecal Coliforms not required if the requested discharge will not occur during the period May 1 through September 30.

b/ The discharge shall be monitored a minimum of three (3) times for this constituent unless the discharge lasts two (2) days or less, then samples shall be collected daily. If the discharge is expected to last two (2) weeks or less, the first three (3) samples shall be collected on separate days during the first week of the discharge and then samples shall be collected at least once a week for the duration of the discharge. If the discharge is expected to last more than two (2) weeks, at least one sample shall be collected each week, with a minimum of three (3) samples being collected and analyzed. The permittee is responsible for anticipating the duration of the discharge and collecting the minimum number of samples as specified above.

c/ During the period May 1 through September 30, the discharge shall be monitored for Fecal Coliforms on the first day of the discharge and weekly thereafter.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (Continued)

5. Self-Monitoring Requirements (Continued)

d/ Monitoring for ammonia-nitrogen is required on the first day of the discharge and weekly thereafter.

e/ The permittee shall insure that the laboratory doing the analysis for ammonia-nitrogen performs the test within two working days of receipt of the sample and promptly notifies the permittee of the analytical results so that the rate of discharge can be adjusted, if necessary.

f/ The date of the start and termination of each discharge shall be reported. In addition, the approximate volume discharge (in acre-feet) during each reporting period and during the entire discharge shall be reported. This shall be done for each discharge that occurs. If no discharge occurs during the reporting period, "no discharge" shall be reported.

B. MUNICIPAL COMPLIANCE PLAN SCHEDULE

The City of Belle Fourche, South Dakota, shall develop a Municipal Compliance Plan (hereinafter MCP) to achieve compliance with the effluent limitations specified in Part I, A.2. and 3. of this permit as follows:

1. The City shall employ an engineer/consultant to prepare an MCP or the City shall submit a signed statement to the effect that the District has the capability of preparing the MCP and will prepare the MCP. The signed statement shall be submitted to the U.S. Environmental Protection Agency (EPA) and the South Dakota Department of Water and Natural Resources (SDDW&NR) at the addresses noted in Part I, C. of this permit no later than. . . . . .February 1, 1986

2. The City shall submit an interim progress report summarizing status of the development of the MCP as of September 1, 1986.
The report shall be in letter format and is due on. . . . . October 1, 1986

3. The City shall submit a complete draft MCP to the EPA and the SDDW&NR for review and comment no later than. . . . . .July 1, 1987 (postmark date)

4. The City shall submit an acceptable final MCP to the EPA and the SDDW&NR by no later than. . . . . September 1, 1987 (postmark date)

The final MCP shall contain a fixed date compliance schedule, independent of Federal grant availability, ending with the attainment of the final effluent limitations specified in Part I, A.2. and 3. of this permit.

Following submittal of an acceptable final MCP, this permit will be reopened and modified to incorporate the MCP compliance schedule into this permit as an enforceable condition.

If, prior to or during the development of the MCP, the City decides that the existing waste water treatment facility, with proper operation, is capable of meeting the limitations in Part I, A.2. and 3., the City may send a signed statement to that effect to the EPA and the SDDW&NR. The City then is no longer required to develop an MCP and the effluent limitations in Part I, A.2. and 3. become effective immediately upon receipt of the signed statement by the permit issuing authority.

C. MONITORING AND REPORTING

1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other wastestream, body of water, or substance. Monitoring points shall not be changed without notification to and approval by, the permit issuing authority.

2. Reporting

All monitoring results obtained during the previous 3 months shall be summarized and reported on a letter size page(s) signed by an authorized person, postmarked no later than the 28th day of the month following the completed reporting period. The first report is due on April 28, 1986. If no discharge occurs during the reporting period, "no discharge" shall be reported. Duplicate signed copies of these, and all other reports required herein, shall be submitted to the Regional Administrator and the State at the following addresses:

U.S. Environmental Protection Agency
One Denver Place
999 18th Street, Suite 1300
Denver, Colorado 80202-2413
Attention: Water Management Division
Compliance Branch (8WM-C)

South Dakota Department of Water and Natural Resources
Division of Water Management
Office of Water Quality
Joe Foss Building
Pierre, South Dakota 57501

3. Definitions

a. A "composite" sample, for monitoring requirements, is defined as a minimum of four (4) grab samples collected at equally spaced two (2) hour intervals and proportioned according to flow.

b. A "grab" sample, for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream.

c. An "instantaneous" measurement, for monitoring requirements, is defined as a single reading, observation, or measurement.

4. Test Procedures

Test procedures for the analysis of pollutants shall conform to regulations published pursuant to Section 304(h) of the Act, under which such procedures may be required.

C. MONITORING AND REPORTING (Continued)

5. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

a. The exact place, date, and time of sampling;

b. The dates the analyses were performed;

c. The person(s) who performed the analyses;

d. The analytical techniques or methods used; and,

e. The results of all required analyses.

6. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report Form (EPA No. 3320-1). Such increased frequency shall also be indicated.

7. Records Retention

All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed and calibration and maintenance of instrumentation and recordings from continuous monitoring instrumentation, shall be retained for a minimum of three (3) years, or longer, if requested by the Regional Administrator or the State Water Pollution Control Agency.

A. MANAGEMENT REQUIREMENTS

1. Change in Discharge

All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit. Any anticipated facility expansions, production increases, or process modifications which will result in new, different, or increased discharges of pollutants must be reported by submission of a new NPDES application or, if such changes will not violate the effluent limitations specified in this permit, by notice to the permit issuing authority of such changes. Following such notice, the permit may be modified to specify and limit any pollutants not previously limited.

2. Noncompliance Notification

If, for any reason, the permittee does not comply with or will be unable to comply with any daily maximum effluent limitation specified in this permit, the permittee shall provide the Regional Administrator and the State with the following information, in writing, within five (5) days of becoming aware of such condition:

a. A description of the discharge and cause of noncompliance; and,

b. The period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the noncomplying discharge.

3. Facilities Operation

The permittee shall at all times maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this permit.

4. Adverse Impact

The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with any effluent limitations specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

A. MANAGEMENT REQUIREMENTS (Continued)

5. Bypassing (See Additional Requirements Under PART III)

Any diversion from or bypass of facilities necessary to maintain compliance with the terms and conditions of this permit is prohibited, except (i) where unavoidable to prevent loss of life or severe property damage, or (ii) where excessive storm drainage or runoff would damage any facilities necessary for compliance with the effluent limitations and prohibitions of this permit. The permittee shall promptly notify the Regional Administrator and the State in writing of each such diversion or bypass.

6. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of waste waters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.

7. Power Failures

In order to maintain compliance with the effluent limitations and prohibitions of this permit, the permittee shall either:

a. In accordance with the Schedule of Compliance contained in Part I, provide an alternative power source sufficient to operate the waste water control facilities;

or, if such alternative power source is not in existence, and no date for its implementation appears in Part I,

b. Take such precautions as are necessary to maintain and operate the facility under his control in a manner that will minimize upsets and insure stable operation until power is restored.

B. RESPONSIBILITIES

1. Right of Entry

The permittee shall allow the head of the State Water Pollution Control Agency, the Regional Administrator, and/or their authorized representative, upon the presentation of credentials:

a. To enter upon the permittee's premises where an effluent source is located or in which any records are required to be kept under the terms and conditions of this permit; and

b. At reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit; to inspect any monitoring equipment or monitoring method required in this permit; and to sample any discharge of pollutants.

2. Transfer of Ownership or Control

In the event of any change in control or ownership of facilities from which the authorized discharges emanate, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Regional Administrator and the State Water Pollution Control Agency.

3. Availability of Reports

Except for data determined to be confidential under Section 308 of the Act, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the State Water Pollution Control Agency and the Regional Administrator. As required by the Act, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the Act.

4. Permit Modification

After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

a. Violation of any terms or conditions of this permit;

b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or,

c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

B. RESPONSIBILITIES (Continued)

5. Toxic Pollutants

Notwithstanding Part II, B.4. above, if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Act for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be revised or modified in accordance with the toxic effluent standard or prohibition and the permittee so notified.

6. Civil and Criminal Liability

Except as provided in permit conditions on "Bypassing" (Part II, A.5.) and "Power Failures" (Part II, A.7.), nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

7. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.

8. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Act.

9. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

10. Severability

The provisions of this permit are severable and, if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

OTHER REQUIREMENTS

Bypass of Treatment Facilities

1. Definitions

   a. "Bypass" means the diversion of waste streams from any portion of a treatment facility.

   b. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

2. Prohibition of Bypass

   Any bypass is prohibited and the permit issuing authority may take enforcement action against a permittee for bypassing, unless:

   a. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and,

   b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance.

3. Authorized Bypass

   a. If, for any reasons, a partial or complete bypass is considered necessary, a request for such bypass shall be submitted to the State of South Dakota and to the United States Environmental Protection Agency at least sixty (60) days prior to the proposed bypass. If the proposed bypass is judged acceptable to the State of South Dakota and by the United States Environmental Protection Agency, the bypass will be allowed subject to limitations imposed by the State and the United States Environmental Protection Agency.

   b. If, after review and consideration, the proposed bypass is determined to be unacceptable by the State and by the United States Environmental Protection Agency, or if limitations imposed on the approved bypass are violated, such bypass shall be considered a violation of this permit; and the fact that application was made, or that a partial bypass was approved, shall not be a defense to any action brought thereunder.

OTHER REQUIREMENTS (Continued)

Bypass of Treatment Facilities (Continued)

3. Authorized Bypass (Continued)

   c. The sixty (60) day period referred to in subparagraph a. may be reduced or waived at the discretion of the permit issuing authority.

4. Notification for Unauthorized Bypasses

   a. The permittee shall provide immediate (within 24 hours) oral notification of any bypass which may endanger health or the environment.

   b. All bypasses not specifically authorized under Paragraph 3. of this Section are subject to the notification requirements of Part II, Section A.2., Noncompliance Notification, of this permit.

OTHER REQUIREMENTS (Continued)

Industrial Wastes

a. Each major contributing industry must be identified as to qualitative and quantitative characteristics of the discharge as well as production data. A major contributing industry is defined as an industrial user discharging to a municipal treatment works that satisfies any of the following: (1) has a flow of 50,000 gallons or more per average work day; (2) has a flow greater than five percent of the flow carried by the municipal system receiving the waste; (3) has in its waste a toxic pollutant in toxic amounts as defined under Section 307(a) of the Clean Water Act of 1977; or, (4) is found by the permit issuing authority to have a significant impact on the treatment works or the quality of effluent from the municipal treatment works.

b. The permittee must notify the permitting authority of any new introductions by new or existing sources or any substantial change in pollutants from any major industrial source. Such notice must contain the information described in a. above and be forwarded no later than sixty (60) days following the introduction or change.

c. Pretreatment Standards (40 CFR 403.5) developed pursuant to Section 307 of the Act require that under no circumstances shall the permittee allow introduction of the following pollutants into the waste treatment system from any source or nondomestic discharge:

(1) Pollutants which create a fire or explosion hazard in the publicly owned treatment works (POTW).

(2) Pollutants which will cause corrosive structural damage to treatment works, but in no case, discharges with a pH lower than 5.0, unless the POTW is designed to accommodate such discharges.

(3) Solid or viscous pollutants in amounts which will cause obstruction to the flow in sewers, or other interference with the operation of the POTW.

(4) Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge of such volume or strength as to cause interference in the POTW.

OTHER REQUIREMENTS (Continued)

Industrial Wastes (Continued)

(5) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case, heat in such quantities that the temperature at the treatment works influent exceeds 40° C. (104° F.) unless the POTW is designed to accommodate such heat.

d. In addition to the general limitations expressed above, more specific pretreatment limitations have been and will be promulgated for specific industrial categories under Section 307 of the Act. (See 40 CFR, Subchapter N, Parts 400 through 500, for specific information).

e. At such time as a specific pretreatment limitation becomes applicable to an industrial contributor, the permit issuing authority may, as appropriate, do the following:

(1) Amend the NPDES discharge permit to specify the additional pollutant(s) and corresponding effluent limitation(s) consistent with the applicable national pretreatment limitation;

(2) Require the permittee to specify, by ordinance, contract, or other enforceable means, the type of pollutant(s) and the maximum amount which may be discharged to the permittee's facility for treatment. Such requirement shall be imposed in a manner consistent with the POTW program development requirements of the General Pretreatment Regulations at 40 CFR 403;

(3) Require the permittee to monitor its discharge for any pollutant which may likely be discharged from the permittee's facility, should the industrial contributor fail to properly pretreat its waste.

The permit issuing authority retains, at all times, the right to take legal action against the industrial contributor and/or the treatment works, in those cases where a permit violation has occurred because of the failure of an industrial contributor to discharge at an acceptable level. If the permittee has failed to properly delineate maximum acceptable industrial contributor levels, the permitting authority will look primarily to the permittee as the responsible party.

OTHER REQUIREMENTS (Continued)

Violations Resulting from Overloading

Should there be a violation of any conditions of this permit, the United States Environmental Protection Agency has the authority under Section 402(h) of the Clean Water Act to proceed in a court of competent jurisdiction to restrict or prohibit further connections to the treatment system covered by this permit by any sources not utilizing the system prior to the finding that such a violation occurred. It is intended that this provision be implemented by the Agency (or the State) as appropriate.

Reapplication

If the permittee desires to continue to discharge, he shall reapply, at least one hundred eighty (180) days before this permit expires, using the application forms then in use. The permittee should also reapply if he desires to maintain a permit, even though there was not a discharge from the treatment facilities during the duration of this permit.

Compliance with Construction Grant

The permittee shall comply with those terms of any construction grant implementing the provisions of Section 201(b) through (g) of the Clean Water Act.

Staffing and Laboratory

Efficient facility operation contained in Part II, A.3., of this permit shall include, but not be limited to, adequate operator staffing and training as well as adequate laboratory and process controls.